

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

KEITH RUSSELL JUDD, #11593051 §
VS. § CIVIL ACTION NO. 5:05cv85
UNITED STATES OF AMERICA §

ORDER ADOPTING REPORT AND RECOMMENDATION

On May 2, 2005, Petitioner Keith Russell Judd, an inmate confined in the federal prison system, filed this motion to vacate/correct illegal sentence pursuant to 28 U.S.C. § 2255. Pursuant to 28 U.S.C. § 636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges, the motion was referred to United States Magistrate Judge Caroline M. Craven.

The Magistrate Judge presented for consideration the Magistrate Judge's Report, containing proposed findings of fact and recommendations for disposition of this case. The Report recommended dismissing it with prejudice for lack of jurisdiction and dismissing without prejudice regarding all other issues.

Petitioner filed objections to the Report. This Court made a *de novo* review of Petitioner's motion.

This Court finds that the Magistrate Judge's findings and conclusions are correct, and adopts them as the Court's findings and conclusions. The Court therefore

ORDERS, ADJUDGES, and DECREES that Respondent's motion to dismiss (dkt#6) is GRANTED and that this action is **DISMISSED WITH PREJUDICE** for lack of jurisdiction.

and **DISMISSED WITHOUT PREJUDICE** regarding all other issues; and

ORDERS that all motions not previously ruled on are denied.

SIGNED this 18th day of October, 2005.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE